

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL NO. 3:22CV00258-MPM-RP

ALL MONIES CREDITED TO
MEMBERS EXCHANGE CREDIT UNION
ACCOUNT # 3030123795

DEFENDANT

**STIPULATED CONSENT JUDGMENT
AND FINAL ORDER OF FORFEITURE**

The United States of America, by and through its attorneys, Clay Joyner, United States Attorney for the Northern District of Mississippi and Samuel D. Wright, Assistant United States Attorney, together with Claimants, Tusha Floyd, individually, and on behalf of TFloyd, LLC, pro se, hereby submit this Stipulated Consent Judgment and Final Order of Forfeiture

WHEREAS, a Verified Complaint for Forfeiture In Rem was filed on November 16, 2022, alleging that the above-named property defendant was subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) and (D);

WHEREAS, an Arrest Warrant In Rem was issued by the Court on November 16, 2022. The United States executed the Arrest Warrant In Rem on November 17, 2022 and seized the sum of \$56,662.75. A Return of the Arrest Warrant In Rem was previously made with the Court;

WHEREAS, the Claimant waives any claim of an interest she may have in the sum of \$56,662.75. The United States and Claimant have agreed to resolve this matter without the requirement of Claimant being required to litigate her interest in the defendant property.

(\$56,662.75) by filing a Claim and Answer in response to the Complaint.

WHEREAS, the United States of America and the Claimant (hereinafter "the parties"), are aware of their respective rights and wish to resolve this matter without further litigation and expense,

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1. This is an in rem civil forfeiture action brought pursuant to 18 U.S.C. § 981(a)(1)(A) and (D).
2. This Court has jurisdiction to hear this action pursuant to 28 U.S.C. §§ 1345 and 1355.
3. Venue is proper before this Court, pursuant to 28 U.S.C. § 1395(b), because the defendant currency was seized in the Northern District of Mississippi.
4. The Court has jurisdiction over the subject matter and the parties.
5. The allegations of the Complaint for Forfeiture are well taken; the United States and its agents had reasonable cause for the seizure of the defendant currency as provided in 28 U.S.C. § 2465 and the Government's position in this action is substantially justified as provided in 28 U.S.C. § 2412(d)(1)(B).
6. The parties herein wish to resolve this matter without additional utilization of judicial resources and without incurring further litigation expenses. As such, the parties stipulate the monies credited to Members Exchange Credit Union Account #3030123795, specifically, the sum of \$56,662.75, plus any interest that may have accrued on the whole of the defendant currency since the time of seizure, shall be **FORFEITED** to the United States of America. Further, any right, title or interest of the Claimant, and her successors and assigns, and any right, title and ownership interest of all other persons in the defendant currency that is being forfeited

to the United States is hereby and forever **EXTINGUISHED**. Clear title to said currency shall hereby be **VESTED** in the United States of America, and the United States Department of Treasury, Internal Revenue Service, or its delegate, is **AUTHORIZED** to dispose of such forfeited currency according to law.

7. Claimant hereby knowingly and voluntarily waives any and all right to reimbursement by the United States of attorney fees and/or litigation costs in connection with this civil forfeiture action, pursuant to 28 U.S.C. § 2465(b)(1)(A) or any other statute. Claimant further agrees that forfeiture of the defendant currency, plus any interest that has accrued, is reasonable, and does not constitute an excessive punishment within the meaning of the Eighth Amendment of the United States Constitution.

8. Claimant agrees to release, remise and discharge Plaintiff the United States of America, and any of its agencies involved in this matter, including but not limited to the United States Department of Treasury, Internal Revenue Service, and its agents and employees, and state and local law enforcement officers and their employers, agents, officers and employees, past and present, from all claims or causes of action which Claimant and their agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

9. This Stipulated Consent Judgment and Final Order of Forfeiture resolves this matter in its entirety, specifically United States District Court Civil Matter No. 3:22CV00258-MPM-RP, entitled U. S. v. All Monies Credited to Members Exchange Credit Union Account #3030123795. Accordingly, this case shall be **DISMISSED WITH PREJUDICE** and closed.

10. Each of the parties to this Stipulation are aware of its/their rights in this matter. The parties agree that each party shall bear its own costs and attorney fees in this matter.

WHEREFORE, the parties stipulate to entry of this Stipulated Consent Judgment and Final Order of Forfeiture.

SO ORDERED on this the 9th day of February 2023.


HONORABLE MICHAEL P. MILLS
Senior United States District Court Judge

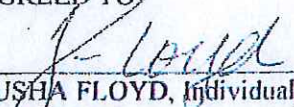
PREPARED BY AND AGREED TO

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Dated: 2/8/23

AGREED TO:


TUSHA FLOYD, Individually, and on behalf of
TFloyd, LLC

Claimants

Dated: 2-8-23